

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Safety-Kleen Systems, Inc. - New Castle Recycle Center
Mailing Address: 3700 Lagrange Road
Smithfield, Kentucky 40068

Source Name: Same
Mailing Address: Same

Source Location: 3700 Lagrange Road, Smithfield, Kentucky

Permit Type: Federally-Enforceable
Review Type: Title V

Permit Number: V-99-014
Log Number: F912
Application
Complete Date: March 29, 1999

KYEIS ID #: 104-1780-0005
AFS Plant ID #: 21-103-00005
SIC Code: 4953

Region: Florence
County: Henry

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on March 29, 1999 the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (B02)

Description:

Cleaver Brooks, Model 800-200 "Boiler # 2"
8.4 mmBTU/hr
Primary fuel: Natural Gas
Secondary (Back up fuel): # 2 Fuel Oil
Constructed 1982

APPLICABLE REGULATIONS:

401 KAR 59:015. New indirect heat exchangers commenced on or after April 9, 1972.

1. Operating Limitations:

The boiler shall be fired with either natural gas or #2 fuel oil only.

2. Emission Limitations:

- a) Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.451 lb/mmBTU based on a three-hour average. Compliance with the particulate standard while burning # 2 fuel oil shall be demonstrated by calculating emissions using fuel oil usage rates, fuel analysis, and emission factor information as follows:
Particulate emissions (lb/mmBTU) from #2 fuel oil combustion = U.S.EPA approved or an ap-42 emission factor: (2.0lbs/1,000 gallons)/(heating value from fuel analysis in mmBTU/1,000 gallons)
- b) Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c)(1), sulfur dioxide (SO₂) emissions shall not exceed 1.85lbs/mmBTU based on a three-hour average. Compliance with the allowable SO₂ standard while burning #2fuel oil shall be demonstrated by calculating emissions fuel oil usage rates, fuel analysis, and emission factor information as follows:
SO₂ emissions (lb/mmBTU) from #2 fuel oil combustion = U.S.EPA approved emission factor or AP-42 emission factor in (lbs sulfur/1,000 gallons)/(heating value from fuel analysis in mmBTU/1,000 gallons).
- c) Pursuant to Regulation 401 KAR 59:015, Section 4(2), regardless of the fuel used, emissions shall not exceed 20% opacity based on a six minute average, except that a maximum of 40% opacity based on a six minute average, shall be permissible for not more than six consecutive minutes in any 60 consecutive minutes during cleaning the fire-box or blowing soot.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

2. Emission Limitations continued:

- d) While burning natural gas, this unit is considered to be in compliance with the particulate, SO₂, and opacity standards.

3. Testing Requirements:

The permittee shall perform semiannual method 9 opacity readings.

4. Specific Monitoring Requirements:

The permittee shall monitor the amount, heat content and sulfur content of the fuel oil burned on a daily basis. The permittee may use fuel supplier certification to indicate heat and sulfur content.

5. Specific Recordkeeping Requirements:

The permittee shall keep records of the item listed in 4 above and make them available to Division personnel upon request.

6. Specific Reporting Requirements:

Semiannual reports of the method 9 opacity readings shall be reported to the Division for Air Quality's Florence Regional office. See Section F, condition 5.

7. Specific Control Equipment Operating Conditions:

NA

8. Alternate Operating Scenarios:

NA

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

18 (B01)

Description:

Cleaver Brooks, 400 HP 150 lb. Steam Boiler Model CB 655 400

16.7 mmBTU/hr

Primary fuel: Natural Gas

Secondary (Back up fuel): # 2 Fuel Oil

Constructed January 1987

APPLICABLE REGULATIONS:

401 KAR 59:015. New indirect heat exchangers commenced after April 9, 1972.

1. Operating Limitations:

The boiler shall be fired with either natural gas or #2 fuel oil only.

2. Emission Limitations:

- a) Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.451 lb/mmBTU based on a three-hour average. Compliance with the particulate standard while burning # 2 fuel oil shall be demonstrated by calculating emissions using fuel oil usage rates, fuel analysis, and emission factor information as follows:
Particulate emissions (lb/mmBTU) from #2 fuel oil combustion = (U.S.EPA approved or AP-42 emission factor: (2.0lbs/1,000 gallons)/(heating value from fuel analysis in mmBTU/1,000 gallons)
- b) Pursuant to Regulation 401 KAR 59:015, Section 5(1)(c)(1), sulfur dioxide (SO₂) emissions shall not exceed 1.85lbs/mmBTU based on a three-hour average. Compliance with the allowable SO₂ standard while burning #2fuel oil shall be demonstrated by calculating emissions fuel oil usage rates, fuel analysis, and emission factor information as follows:
SO₂ emissions (lb/mmBTU) from #2 fuel oil combustion = (U.S.EPA approved emission factor or AP-42 emission factor of 142lbs sulfur/1,000 gallons)/(heating value from fuel analysis in mmBTU/1,000 gallons).
- c) Pursuant to Regulation 401 KAR 59:015, Section 4(2), regardless of the fuel used, emissions shall not exceed 20% opacity based on a six minute average, except that a maximum of 40% opacity based on a six minute average, shall be permissible for not more than six consecutive minutes in any 60 consecutive minutes during cleaning the fire-box or blowing soot.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

2. Emission Limitations:

- d) While burning natural gas, this unit is considered to be in compliance with the particulate, SO₂, and opacity standards.

3. Testing Requirements:

The permittee shall perform semiannual method 9 opacity readings.

4. Specific Monitoring Requirements:

The permittee shall monitor the amount, heat content and sulfur content of the fuel oil burned on a daily basis. The permittee may use fuel supplier certification to indicate heat and sulfur content.

5. Specific Recordkeeping Requirements:

The permittee shall keep records of the item listed in 4 above and make them available to Division personal upon request.

6. Specific Reporting Requirements:

Semiannual reports of the method 9 opacity readings shall be reported to the Division for Air Quality's Florence Regional office. See Section F, condition 5.

7. Specific Control Equipment Operating Conditions:

NA

8. Alternate Operating Scenarios:

NA

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

03 (VP1, P1)
21 (MP02)
23 (MP01, MP03)
24 (-)

Description:

03 (VP1, P1)	Evaporation, Vacuum System and Distillation Process: Distillation Column, Reboilers, Heat Exchangers and associated pipeline equipment** Constructed between 1970 and 1985.
21 (MP02)	Automatic Drum Decant System (ADDS)/Shredder Constructed 1991
23 (MP01, MP03)	Drum Shredder, N ₂ purge, Shaker Screen, Hydrapulper Constructed 1991
24 (-)	Solids Separator (Screw Press, Squeezer System) Constructed 1996

Required Control Equipment: Thermal Oxidizer.

** At the time of initial permit issuance, this unit was not operating.

APPLICABLE REGULATIONS:

401 KAR 63:680 (40 CFR 63 Subpart DD), National Emission Standards for Hazardous Air Pollutants from off-site Waste and Recovery Operations.

1. Operating Limitations:

NA

2. Emission Limitations:

Emissions shall be controlled in accordance with Regulation 401 KAR 63:680 (40 CFR 63 Subpart DD), National Emission Standards for Hazardous Air Pollutants from off-site Waste and Recovery Operations. 40 CFR 63, Subpart DD is hereby incorporated into this permit as ATTACHMENT A.

See Regulation 401 KAR 63.680, 40 CFR 63.683 through 40 CFR 63.693.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

3. Testing Requirements:

See Regulation 401 KAR 63:680 (40 CFR 63 Subpart DD) 40 CFR 63.694, Testing methods and procedures.

4. Specific Monitoring Requirements:

See Regulation 401 KAR 63:680 (40 CFR 63 Subpart DD) 40 CFR 63.693, Standards: Closed vent systems and control devices, 40 CFR 63.695, Inspection and monitoring requirements, and 40 CFR 63.694(k), Procedure for determining no detectable organic emissions.

5. Specific Recordkeeping Requirements:

See Regulation 401 KAR 63:680 (40 CFR 63 Subpart DD) 40 CFR 63.695, Inspection and monitoring requirements and 40 CFR 63.696, Recordkeeping requirements.

6. Specific Reporting Requirements:

See Regulation 401 KAR 63:680 (40 CFR 63 Subpart DD) 40 CFR 63.697, Reporting requirements.

7. Specific Control Equipment Operating Conditions:

See Regulation 401 KAR 63:680 (40 CFR 63 Subpart DD) 40 CFR 63.690, Standards: process vents and 40 CFR 63.693, Standards: Closed-vent systems and control devices.

8. Alternate Operating Scenarios:

NA

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

05 (NF1, NF2, NF3, NF4, NF5, NF6, NF7, NF8, NF9, NF10)

06 (S1, S2, S3, S4, S5, S6, S7, S8, S9, S10, S11, S12, S13, S14)

07 (D1, D2, D3, D4, D5, D6, D7)

08 (R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11)

09 (A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12)

11 (V1, V2, V3, V4, V5)

20 (HPV-1, HPV-2)

Description:

- 05** Ten 18,500-gallon Fixed Roof Waste Organic Solvent Storage Tanks.
Constructed 1976.

Maximum fill rate per tank: 12,000 gallons/hour.

Maximum annual throughput for all ten tanks combined: 16,800,000 gallons

- 06** Fourteen Fixed Roof Waste Organic Solvent Storage Tanks:

One 20,000 gallon Constructed June 1971.

One 16,000 gallon Constructed June 1979.

Eight 15,000 gallon Constructed September 1982.

Four 8,000 gallon Three constructed June 1973, one constructed June 1976.

Maximum fill rate per tank: 12,000 gallons/hour

Maximum annual throughput for all 14 tanks combined: 13,950,000 gallons

- 07** Seven 7,500-gallon Fixed Roof Waste Organic Solvent Storage Tanks.
Constructed September 1984.

Maximum fill rate per tank: 12,000 gallons/hour.

Maximum annual throughput for all seven tanks combined: 1,500,000 gallons

- 08** Eleven Fixed Roof Storage Tanks:

Waste Organic Solvent Tanks (R1 through R5):

Three 10,000-gallon one constructed 1970, two constructed 1980.

Two 6,000-gallon constructed 1983.

Organic Solvent Tanks (R6 through R11):

Six 6,500-gallon constructed 1985.

Maximum fill rate per tank: 12,000 gallons/hour

Maximum throughput for all eleven tanks combined: 3,700,000 gallons

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

Description Continued:

- 09** Twelve 19,000 gallon Fixed Roof Organic Solvents Storage Tanks.*
All constructed 1985

Maximum fill rate per tank: 12,000 gallons

Maximum throughput for all twelve tanks combined: 1,500,000 gallons

- 11** Two 20,000 gallon Fixed Roof Waste Organic Solvent Storage Tanks.*
Three 15,000 gallon Fixed Roof Waste Organic Solvent Storage Tanks.*
All constructed 1986.

Maximum fill rate per tank: 12,000 gallons/hour

Maximum annual throughput for all five tanks combined: 15,150,000 gallons

- 20** Two 15,000 gallon Homogenizing Process Vessels *
Constructed August 1988.

Maximum fill rate per tank: 12,000 gallons per hour

Maximum annual throughput per vessel: 15,000,000 gallons

* Tanks that are also subject to 401 KAR 59:485.

APPLICABLE REGULATIONS:

401 KAR 63:900 (40 CFR 63 Subpart OO), National Emission Standards for Tanks-Level 1

401 KAR 59:485 (40 CFR 60 Subpart Kb), Standards of performance for volatile organic liquid storage vessels for which construction, reconstruction or modification commenced after July 23, 1984.

1. Operating Limitations:

NA

2. Emission Limitations:

Emissions shall be controlled in accordance with Regulation 401 KAR 63:900 (40 CFR 63 Subpart OO), National Emission Standards for tanks-level 1. 40 CFR 63, Subpart OO is hereby incorporated into this permit as ATTACHMENT B.

See Regulation 401 KAR 63:900, 40 CFR 63.902, Standards - Tanks fixed roof.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

3. Testing Requirements:

See Regulation 401 KAR 63:900 (40 CFR 63 Subpart OO) 40 CFR 63.905, Test methods and procedures.

4. Specific Monitoring Requirements:

See Regulation 401 KAR 63:900 (40 CFR 63 Subpart OO) 40 CFR 63.906, Inspection and monitoring requirements.

- * In addition, for these tanks see Regulation 401 KAR 59:485 (40 CFR 60 Subpart Kb) 40 CFR 60.116 Monitoring of operations. 40 CFR 60 Subpart Kb is hereby incorporated into this permit as ATTACHMENT D.

5. Specific Recordkeeping Requirements:

See Regulation 401 KAR 63:900 (40CFR 63 Subpart OO) 40 CFR 63.907, Recordkeeping requirements.

6. Specific Reporting Requirements:

NA

7. Specific Control Equipment Operating Conditions:

See Regulation 401 KAR 63:900, (40 CFR 63 Subpart OO) 40 CFR 63.902, Standards - Tanks fixed roof.

8. Alternate Operating Scenarios:

NA

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

22 (-)

Description:

Pipeline equipment:

Pumps - 38

Flanges - 754

Valves - 766

Open Ended Lines - 446

Control Equipment: Leak Detection and Repair Program.

APPLICABLE REGULATIONS:

401 KAR 57:035, National Emission Standards for Equipment Leaks (40 CFR 61 Subpart V).

1. Operating Limitations:

NA

2. Emission Limitations:

Emissions of VOC/HAPS shall be controlled in accordance with Regulation 401 KAR 57:035 (40 CFR 61 Subpart V), National Emission Standards for equipment leaks (fugitive emission sources). 40 CFR 61, Subpart V is hereby incorporated into this permit as ATTACHMENT D.

See Regulation 401 KAR 57:035, 40 CFR 61.242 and 40 CFR 61.243, Standards etc.

3. Testing Requirements:

See Regulation 401 KAR 57:035 (40 CFR 61 Subpart V) 40 CFR 61.245, Test methods and procedures.

4. Specific Monitoring Requirements:

See Regulation 401 KAR 57:035 (40 CFR 61 Subpart V) 40 CFR 61.242 and 40 CFR 61.243, Standards etc.

5. Specific Recordkeeping Requirements:

See Regulation 401 KAR 57:035, (40 CFR 61 Subpart V) 40 CFR 61.246, Recordkeeping requirements.

6. Specific Reporting Requirements:

See Regulation 401 KAR 57:035, (40 CFR 61 Subpart V) 40 CFR 61.247, Reporting requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

7. Specific Control Equipment Operating Conditions:

Leak Detection and Repair as described in 401 KAR 57:035 (40 CFR 61 Subpart V).

8. Alternate Operating Scenarios:

NA

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

25 (-)

Description:

Containers- Larger than 0.46 m³ (121.5 gallons)
Ten (10) Roll Off Boxes
Fourteen (14) 40 yd³ (8,079 gallon) Dump Trailers
Forty-eight (48) 1.5 yd³ (303 gallon) Portable Hoppers
Constructed 1991

APPLICABLE REGULATIONS

401 KAR 63:920 (40 CFR 63 Subpart PP), National Emission Standards for containers.

1. Operating Limitations:

NA

2. Emission Limitations:

Emissions shall be controlled in accordance with Regulation 401 KAR 63:920 (40 CFR 63 Subpart PP), National Emission Standards for containers. 40 CFR 63, Subpart PP is hereby incorporated into this permit as ATTACHMENT C.

See Regulation 401 KAR 63:920, 40 CFR 63.922, Standards - Container Level 1 controls.

3. Testing Requirements:

See Regulation 401 KAR 63:920 (40 CFR 63 Subpart PP) 40 CFR 63.925, Test methods and procedures.

4. Specific Monitoring Requirements:

See Regulation 401 KAR 63:920 (40 CFR 63 Subpart PP) 40 CFR 63.926, Inspection and monitoring requirements.

5. Specific Recordkeeping Requirements:

NA

6. Specific Reporting Requirements:

NA

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

7. Specific Control Equipment Operating Conditions:

NA

8. Alternate Operating Scenarios:

NA

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

27 (-)

Description:

Bottom loading of recovered solvent into tanker trucks.

APPLICABLE REGULATIONS

None

1. Operating Limitations:

NA

2. Emission Limitations (State Origin Requirement):

All trucks shall be bottom loaded.

3. Testing Requirements:

NA

4. Specific Monitoring Requirements:

NA

5. Specific Recordkeeping Requirements:

NA

6. Specific Reporting Requirements:

NA

7. Specific Control Equipment Operating Conditions:

NA

8. Alternate Operating Scenarios:

NA

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS CONTINUED

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Boiler Fuel Tanks	NA
2. Ground Water Stripper	NA
3. Traffic	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

PM, SO₂ and VOC emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - i. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit shall be reported to the Division's Florence Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Florence Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly (within seven working days) report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Florence Regional Office.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Florence Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

**Division for Air Quality
8020 Ewing Boulevard
Florence, Kentucky 41042**

**U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960**

**Division For Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 , Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby null and void.

SECTION G - GENERAL CONDITIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements NA**(e) Emergency Provisions**

An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:

- a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (d) above are in addition to any emergency or upset provision(s) contained in an applicable requirement.

SECTION G - GENERAL CONDITIONS (CONTINUED)

3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(f) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:
RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346
2. If requested, submit additional relevant information by the division or the U.S. EPA.

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

NA

SECTION I - COMPLIANCE SCHEDULE

NA